

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

DEREK S. THOME, as administrator	:	Civil No. 1:20-cv-2167
of the Estate of Charity L. Thome,	:	
Deceased,	:	
	:	
Plaintiff,	:	
	:	
v.	:	
	:	
PENNSYLVANIA STATE POLICE	:	
OFFICER JAY D. SPLAIN et al.,	:	
	:	
Defendants.	:	Judge Sylvia H. Rambo

ORDER

AND NOW, this 27th day of July, 2021, upon consideration of Defendants' motion to dismiss for failure to state a claim (Doc. 16) and in accordance with the accompanying memorandum, **IT IS HEREBY ORDERED** that the motion is **GRANTED** as follows: Count II of Plaintiff's First-Amended Complaint alleging violation of the Fourteenth Amendment based on state-created danger is **DISMISSED** without prejudice to Plaintiff's right to amend his pleading within twenty-one days of the date of this order.

s/Sylvia H. Rambo
SYLVIA H. RAMBO
United States District Judge